

## **Deficiency Progress Report – Update 8**

Status Report Submitted: July 10, 2008

**CUPA Name:** Sutter County Environmental Health

**Evaluation Date:** July 26 and 27, 2006

**Next Progress Report (Update 9) Due:** October 14, 2008

### **State Evaluation Team:**

**Cal/EPA Team Leader:** *Kareem Taylor*

**DTSC Evaluator:** *Mark Pear*

**OES Evaluator:** *Jack Harrah*

**Based on the CUPA's corrective action responses, the following deficiencies are considered corrected and no further updates are required:**  
**1, 2, 3, 4, 5, 6, 8, 10, 11**

Please update the deficiencies below that remain outstanding.

- 2. Deficiency:** The CUPA is not implementing and updating their Inspection and Enforcement Plan as mandated by law. Example of this include:

- (a) CUPA is not meeting inspections frequencies.
- (b) CUPA is not implementing Enforcement Plan.

**CUPA's 3<sup>rd</sup> Status Update:** (a) Corrected. See attached list of businesses inspected.

- (b) Inspection and Enforcement Plan draft is under review.

**Cal/EPA's 3<sup>rd</sup> Response:** Submit the CUPA's final inspection and enforcement plan via email along with the next status report. A submittal of the final inspection and enforcement plan will correct this deficiency.

**CUPA's 4<sup>th</sup> Status Update:** Corrected. See attach copy of Inspection and Enforcement Plan. Business plan facilities list will be faxed to your office soon.

**Cal/EPA's 4<sup>th</sup> Response:** Due to the corrective action update, Cal/EPA considers this deficiency corrected.

- 4. Deficiency:** CUPA has not met the inspection frequency for the Business Plan Program.

**CUPA's 3<sup>rd</sup> Status Update:** Corrected. Please see attached list of businesses inspected.

**Cal/EPA's 3<sup>rd</sup> Response:** Cal/EPA does not consider this deficiency corrected. The CUPA inspected 127 out of 483 (26%) business plan facilities so far for FY 06/07. The CUPA has made positive strides toward meeting the mandated business plan inspection frequency; however, Cal/EPA would like to see one-third of its business plan facilities inspected by the end of FY 06/07. That is approximately 37 more facilities. On the next status report, update Cal/EPA on the status of this deficiency.

**CUPA's 4<sup>th</sup> Status Update:** Corrected. The CUPA inspected 209 facilities for FY 06/07. List of facilities inspected will be faxed to your office.

**Cal/EPA's 4<sup>th</sup> Response:** Due to the corrective action update, Cal/EPA considers this deficiency corrected.

5. **Deficiency:** CUPA has not met the inspection frequency for the CalARP program.

**CUPA's 3<sup>rd</sup> Status Update:** Corrected. CUPA made joint inspections with US EPA in December for two businesses: (a) Bear River Supply, Rio Oso., and (b) Agriform. Pleasant Grove.

**Cal/EPA's 3<sup>rd</sup> Response:** Cal/EPA does not consider this deficiency corrected; however, the CUPA has made positive strides to begin its CalARP program by inspecting 2 facilities. Cal/EPA would like to see 2 more CalARP facilities inspected for FY 06/07. On the next status report, update Cal/EPA on the status of this deficiency.

**CUPA's 4<sup>th</sup> Status Update:** One more CalARP facility inspected (Helena Chemical, Colusa Hwy., Yuba City). Total number of 3 CalARP facilities inspected for FY 06/07.

**Cal/EPA's 4<sup>th</sup> Response:** The CUPA inspected 3 out of 11 (27%) CalARP facilities in FY 06/07. Good Job! Cal/EPA and OES would like to see one more facility inspected before this deficiency can be considered corrected.

**CUPA's 5<sup>th</sup> Status Update:** One more CalARP facility inspected was John Taylor Fertilizer, 900 N. George Washington Blvd., Yuba City.

**Cal/EPA's 5<sup>th</sup> Response:** Due to the corrective action update, Cal/EPA considers this deficiency corrected.

7. **Deficiency:** CUPA's area plan has not been revised in the past three years.

**CUPA's 3<sup>rd</sup> Status Update:** CUPA will apply for the grant from OES in the fall of 2007. Once grant funding is obtained, the CUPA will initiate work to develop the Area Plan.

**Cal/EPA's 3<sup>rd</sup> Response:** On the next status report, update Cal/EPA on the status of this deficiency.

**CUPA's 4<sup>th</sup> Status Update:** CUPA has applied for area plan grant from OES last month.

**Cal/EPA's 4<sup>th</sup> Response:** On the next status report, update Cal/EPA on the status of this deficiency.

**CUPA's 5<sup>th</sup> Status Update:** CUPA has received HMEP Grant approval letter from OES. The consultant will be hired within next few weeks to prepare Area Plan.

**Cal/EPA's 5<sup>th</sup> Response:** On the next status report, update Cal/EPA on the status of this deficiency.

**CUPA's 6<sup>th</sup> Status Update:**

- a. Signed contract with consultant.
- b. Met with consultant to discuss project scope, timeline and expected deliverables.
- c. Consultant provided list of items needed from various Departments to develop Area Plan.
- d. Set up another meeting with consultant in January.

**Cal/EPA's 6<sup>th</sup> Response:** The CUPA has made good progress towards correction of this deficiency. Please update the CUPA's progress on the next status report.

**CUPA's 7<sup>th</sup> Status Update:** Following projected activities, tasks and deliverable were completed during this quarter:

- a. Meeting with consultant in January with various County Departments to discuss items needed for Area Plan.
- b. Meeting with Yuba County and Sutter County Fire Agencies on Area Plan needs.
- c. Worked on items needed for Area Plan, emailed to consultant.
- d. Consultant consolidating items to prepare draft Area Plan.

The anticipated date for completion of this project is September 2008.

**Cal/EPA's 7<sup>th</sup> Response:** Refer to OES's response.

- **OES's Response:** Since the projected date of completion of the area plan is in September 2008, no further updates will be required. Upon receipt of a copy of the area plan (a requirement of the HMEP grant), OES and Cal/EPA will consider this deficiency corrected.

**CUPA's 8<sup>th</sup> Update:** The Area Plan will be submitted September 2008.

**Cal/EPA's 8<sup>th</sup> Response:** Refer to OES's response.

- **OES's Response:** With the projected completion date still in September, the comments in response #7 still apply. Upon receipt of the area plan, the deficiency will be corrected.

8. **Deficiency:** CUPA has not ensured that inventories or annual inventory certifications are current.

**CUPA's 3<sup>rd</sup> Status Update:** Corrected. On 1/29/07 the Cal/EPA representative reviewed several business records and found all to have either current inventories or certifications of no-change forms.

**Cal/EPA's 3<sup>rd</sup> Response:** Cal/EPA considers this deficiency corrected.

9. **Deficiency:** CUPA is not obtaining business plans from all businesses subject to the business plan program. Specifically, many agricultural handlers are not being regulated under the business plan program.

**CUPA's 3<sup>rd</sup> Status Update:** CUPA has obtained business plans from all businesses per our knowledge. Staff from Agricultural Commissioner's Office has started notifying the farmers about the business plan program during growers meetings and during headquarter inspections for pesticides.

**Cal/EPA's 3<sup>rd</sup> Response:** Refer to OES's response.

**OES Wrote:** On the next status report, report how many agricultural handlers have been contacted, how many need to be contacted, and how many are required to be included into the business plan program.

**CUPA's 4<sup>th</sup> Status Update:** Total number of agricultural handlers on business plan inventory list is 152.

**Cal/EPA's 4<sup>th</sup> Response:** Refer to OES's response.

**OES Wrote:** Getting an inventory of farms is a good start on correcting this deficiency. On the next status report, the CUPA should report their progress on:

- Contacting farm businesses.
- Evaluating farms to verify whether or not they need to file a business plan.
- How many business plans have been requested and actually received.

**CUPA's 5<sup>th</sup> Status Update:** We have not added any farm business on our inventory yet. But we will continue to work on correcting this deficiency.

**Cal/EPA's 5<sup>th</sup> Response:** On the next status report, submit the requested information, if any, which was requested in Cal/EPA's 4<sup>th</sup> response.

**CUPA's 6<sup>th</sup> Status Update:** Approximately 180 farmers were informed of the HMBP requirements during last 3 growers meetings. HMBP forms were provided to the farmers during those meetings. Six new farm businesses have submitted HMBPs in this quarter. Ag. Biologist has started HMBP inspections during joint pesticide headquarter inspections.

**Cal/EPA's 6<sup>th</sup> Response:** Refer to OES's comments.

**OES's Comments:** The CUPA has made excellent progress on this deficiency. The agricultural community has been made aware of the requirements of the Business Plan Program. On the next status report, please provide the following:

- the total number of Ag handlers that need business plans
- the total number of Business Plans that have been requested from Ag handlers
- the total number of Business Plans that have been received from Ag handlers.

**CUPA's 7<sup>th</sup> Status Update:** The Agricultural Commissioner's Office has continued in their effort to address the ag handler segment of businesses subject to the business plan program. They are finding that determining the total number of handlers that need business plans is difficult to determine and will require a long-term effort. The department staff is currently focusing on four areas of areas concern:

#### **(a) Business Plan Inspections**

During the last quarter, Department staff inspected 3 ag handlers and 11 fuel dispensing facilities with existing business plans.

### **(b) Unpermitted Sites**

As time permits, Department staff has begun making calls on unpermitted ag handlers to determine their status. During the last quarter, staff performed 2 inspections on handlers without business plans on file. Both handlers were provided self-certification forms to submit with completed business plan. Staff will follow-up with enforcement action on handlers not submitting the required paperwork

### **(c) Joint Inspections with Pesticide Use Enforcement Staff**

The Department has been performing joint inspections with the pesticide use enforcement staff during pesticide headquarter inspections. During the last quarter, staff performed 14 inspections (3 -existing handlers, 11 - unpermitted handlers, 0 categorical exemptions). Unpermitted handlers will be provided self-certification forms to submit with their completed business plan. Staff will follow-up with enforcement action on handlers not submitting the required paperwork. To date, we have not received plans from the 11 unpermitted handlers.

### **(d) Outreach**

The Department is also outreaching to the ag handler community at the following events.

#### **(a) Grower Training/Certification Meetings**

During the last quarter staff has attended 5 events and distributed information materials to over 200 people.

#### **(b) Pesticide Container Recycling Events “Kill the Bug – Recycle the Jug”**

The Department is sponsoring a pesticide container recycling program. Staff will distribute informational packets on the following dates.

- April 22, 2008 - John Taylor Fertilizer (Yuba City)
- June 24, 2008 - Big Valley Ag Services (Gridley)
- July 29, 2008 - Bear River Supply (Rio Oso)
- Sept 9, 2008 - Helena Chemical (Yuba City)

During the last quarter, the CUPA received 3 new plans and 1 categorical exemption as a result of our outreach efforts.

**Cal/EPA's 7<sup>th</sup> Response:** Refer to OES's response.

- **OES's Response:** The CUPA is doing an excellent job of attempting to include the agricultural universe in the HMRRP program. Continue with the four elements of your plan. With the next status report, please provide your best estimate of how many farm businesses may be subject to the program, and a progress report on the three elements reported on the last status report, i.e. how many need business plans, how many you have requested, and how many you have received. Your progress on this massive undertaking has, to date, been impressive.

**CUPA's 8<sup>th</sup> Update:** The Agricultural Commissioner's Office is continuing in their efforts to address the ag handler segment of businesses subject to the business plan program. At this time, they are not able to determine the total number of handlers that need business plans. Since most ag handlers do not maintain traditional business operations (One location which is open Monday thru Friday 8am to 5pm), it is difficult to arrange facility inspections. The department staff is focusing on four areas of areas concern:

**(a) Business Plan Inspections**

During the last quarter, Department staff inspected 14 ag handlers and 8 fuel dispensing facilities with existing business plans.

**(b) Unpermitted Sites**

As time permits, Department staff is making calls on unpermitted ag handlers to determine their status. During the last quarter, staff performed 4 inspections on handlers without business plans on file. All handlers were provided and returned self-certification forms with completed business plans.

**(c) Joint Inspections with Pesticide Use Enforcement Staff**

The Department has been performing joint inspections with the pesticide use enforcement staff during pesticide headquarter inspections. During the last quarter, staff performed 8 inspections (8 -existing handlers, 11 - unpermitted handlers, 0 categorical exemptions).

**(d) Outreach**

The Department is also outreaching to the ag handler community at the following events.

**(a) Grower Training/Certification Meetings**

(b) Pesticide Container Recycling Events “Kill the Bug – Recycle the Jug”

The Department is sponsoring a pesticide container recycling program. Staff will distribute informational packets on the following dates.

- July 29, 2008 - Bear River Supply (Rio Oso)
- Sept 9, 2008 - Helena Chemical (Yuba City)

During the last quarter, staff attended 2 events and distributed information materials to over 30 people. The CUPA received 7 new plans and 1 categorical exemption as a result of our outreach efforts.

**Cal/EPA's 8<sup>th</sup> Response:** Refer to OES's response.

- **OES's Response:** Continue outreach efforts, as outlined in response #7. This is a monumental effort, and the CUPA is still making significant progress. Please report on the outcome of outreach to the ag community in the next quarterly update.

**10. Deficiency:** CUPA is not meeting hazardous waste generator inspection frequencies.

**CUPA's 3<sup>rd</sup> Status Update:** Corrected. Please see attached list of businesses inspected.

**Cal/EPA's 3<sup>rd</sup> Response:** The CUPA inspected 57 out of 128 (44%) of its hazardous waste generator facilities in FY 06/07. Good job! Cal/EPA considers this deficiency corrected.

**11. Deficiency:** CUPA did not conduct a complete oversight inspection.

**CUPA's 3<sup>rd</sup> Status Update:** Corrected.

**Cal/EPA's 3<sup>rd</sup> Response:** Cal/EPA considers this deficiency corrected.